

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**EXXONMOBIL GLOBAL SERVICES
COMPANY,**

Plaintiff

VS.

**RESCAR COMPANIES and
RICARDO NARANJO,**

Defendants

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CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants Rescar Companies and Ricardo Naranjo hereby remove to this Court the state court action described below.

1. On June 29, 2018, an action was commenced in the 190th Judicial District Court of Harris County, Texas, entitled *ExxonMobil Global Services Company v. Rescar Companies and Ricardo Naranjo*, Cause No. 2018-43873.

2. Defendant Rescar Companies has not been formally served. Defendant Ricardo Naranjo was served with summons on July 16, 2018, and he received a copy of Plaintiff's Original Petition on that same date. This Notice is timely.

3. Copies of all process, pleadings, papers, and orders served upon Defendants in the state court action, together with the state court docket sheet are attached hereto as **Appendix A**.

4. This action is a civil action in which this court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendants, pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceed the sum of \$75,000, exclusive of interest and costs because the original petition states that ExxonMobil Global Services Company seeks damages in excess of \$1,000,000.00.

5. Defendants are informed and believe that Plaintiff ExxonMobil Global Services Company was, and still is, a citizen of the State of Texas. Defendant Rescar Companies was, at the time of the filing of this action, and still is, a Nevada corporation, having its principal place of business in the State of Illinois.

6. The Complaint herein also names Ricardo Naranjo, who is a citizen of the State of Texas. The citizenship of said Defendant should be disregarded for purposes of determining jurisdiction under 28 U.S.C. §1332 and 28 U.S.C. §1441(b) on the ground that there is no possibility that Plaintiff will be able to establish liability against said party for the following reasons: Plaintiff had no contract with Ricardo Naranjo, and the sole basis for liability asserted against Ricky Naranjo is under the concept of vicarious and individual liability alleging that corporate agents are personally liable for their own fraudulent and tortious actions but

Plaintiff has utterly failed to sufficiently plead fraud against Ricky Naranjo such that would suffice to overcome the normal law that corporate agents are not liable for the acts of the corporation.

WHEREFORE, Defendants Rescar Companies and Ricardo Naranjo pray that this action be removed to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

By: /s/ Heather Kubiak
Heather Kubiak
Texas Bar No. 24001266
S.D. Tex Bar No. 23020
THE KUBIAK LAW FIRM PLLC
2368A Rice Boulevard #428
Houston, Texas 77005
hkubiak@thekubiaklawfirm.com
Telephone: (713) 800-8440
Facsimile: (713) 800-8443
**Attorney-in-Charge for Defendants
Rescar Companies and Ricardo
Naranjo**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Defendants' Notice of Removal** has been served on all counsel of record on August 6, 2018, in accordance with the Federal Rules of Civil Procedure.

 /s/ Heather Kubiak
Heather Kubiak